

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

Case No. 2:19-cr-77

Damion Marquise Berry

ORDER

The court has received a letter from the defendant requesting assistance in obtaining placement in a halfway house to serve the remainder of his sentence of incarceration. The court will address defendant's letter as a motion.

Pursuant to 18 U.S.C. §3624(c)(1), the director of the Bureau of Prisons has the authority to permit a defendant to serve the end of a term of incarceration in a residential reentry center ("RRC"), such as a halfway house, for a period not to exceed twelve months. The Bureau of Prisons also has the authority to designate the place of a defendant's imprisonment. See 18 U.S.C. §3621(b). The decision whether to permit a defendant to serve the end of a term of incarceration in an RRC is solely within the discretion of the Bureau of Prisons. See Fournier v. Zickefoose, 620 F.Supp.2d 313, 318 (D.Conn. 2009)(Bureau of Prisons retains discretion to decide whether and when an inmate should be placed in an RRC).

This court has no authority to order the Bureau of Prisons to permit defendant to serve the end of his term in a halfway house. Although this court is permitted to make a recommendation to the Bureau of Prisons concerning halfway house placement, see 18 U.S.C. §3621(b)(4), the Bureau of Prisons is more familiar with defendant's conduct while incarcerated and has the necessary expertise to decide whether or when placement in a halfway house is appropriate and feasible in defendant's case, particularly in light

of the ongoing COVID-19 epidemic. Therefore, the court declines to order defendant's placement in a halfway house or to make a recommendation to the Bureau of Prisons concerning such placement, and the motion (Doc. 42) is denied.

Date: December 11, 2020

s/James L. Graham
James L. Graham
United States District Judge